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ORIGINAL*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BRUCE DANIELSON**

**VS.**

**FIRSTSOURCE ADVANTAGE LLC**

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§  
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§  
§

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
FILED	
NOV 25 2008	
CLERK, U.S. DISTRICT COURT	
By	<i>[Signature]</i>
Deputy	

*10282*

**CIVIL ACTION NO.**

**JURY TRIAL DEMANDED** *26924*

**COMPLAINT**

**JURISDICTION**

1. The jurisdiction of this Court attains pursuant to 15 U.S.C. §1692 et seq, the Fair Debt Collection Practices Act (“FDCPA”) for which jurisdiction is proper in this Court. 15 U.S.C. §1692k(d) and state law claims supplemental thereto. Venue lies in the Northern District of Texas since Plaintiff's claims arose from acts of the Defendant perpetrated therein.

**PARTIES**

2. Plaintiff, Bruce Danielson, is a natural person whose permanent address is in Dallas, Texas and is a “consumer” as defined by 15 U.S.C. §1692a(3) of the FDCPA. Plaintiff is a resident and citizen of the State of Texas.

3. Defendant, Firstsource Advantage LLC, is a limited liability corporation organized under the laws of the state of New York, not registered to conduct business in Texas and may be served with process by serving its registered agent for service of process: CT Corporation System, 111 Eighth Ave, New York, NY 10011.

**FACTUAL ALLEGATIONS**

5. Plaintiff is an individual consumer as defined by 15 U.S.C. §1692a(3).
6. Defendant Firstsource Advantage LLC. is a debt collector as defined by the FDCPA and Texas Debt Collection Practices Act.
7. Sometime shortly after May 16, 2008, Defendant's representatives began calling Plaintiff at both his home and place of business in attempts to collect a debt allegedly due Capitol One Bank.

8. When Defendant's representatives first called, they refused to identify who they were or the purpose of their call.

9. When they finally identified themselves, Plaintiff requested they cease all telephone calls to both home and office.

10. Defendant's representatives continue to call Plaintiff at both his home and office number, despite both written and verbal requests to cease calling.

### **CAUSES OF ACTION**

#### **COUNT I**

11. Plaintiff re-alleges and incorporates paragraphs 1 through 12 above as if fully set out herein.

12. Firstsource Advantage, LLC.. is a debt collector as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(6).

13. Defendant has violated 15 U.S.C. §1692g by failing to respond to Plaintiff's request for validation of the debt.

14. Defendant has violated 15 U.S.C. §1692c by continuing to call Plaintiff after being requested to cease communication.

15. Defendant has violated 15 U.S.C. §1692e(2)(A) by falsely representing the character, amount, or legal status of a debt.

16. Defendant has violated 15 U.S.C. §1692d(6) by failing to identify itself and the purpose of the call.

17. Defendant has violated 15 U.S.C. §1692b(1) and (2) by contacting third parties and revealing confidential information to the third parties.

18. Defendant has violated 15 U.S.C. §1692g by failing to send a 30 day validation notice within 5 days of initial communication with Plaintiff.

## COUNT II

19. Plaintiff re-alleges and incorporates paragraphs 1 through 18 above as if fully set out herein.
20. In violation of Tex. Fin.Code §392.301(a)(8) the Defendant threatened to take (and/or did take) an action prohibited by law.

## COUNT III

21. Plaintiff re-alleges and incorporates paragraphs 1 through 18 above.
22. Pursuant to Tex. Fin.Code §392.404, the Defendant's violations of the Texas Debt Collection Practices Act also constitute a deceptive trade practice Subchapter E, Chapter 17, Business and Commerce Code ("DTPA"), and is actionable under that chapter.
23. The foregoing acts and omissions were undertaken on behalf of the Defendant by its respective officers, agents, or employees acting at all times relevant hereto within the scope of that relationship.
24. The foregoing acts and omissions of the Defendant were undertaken wilfully, intentionally, knowingly, and/or in gross disregard of the rights of the Plaintiff.
25. The foregoing acts and omissions of the Defendant were undertaken indiscriminately and persistently, as part of its regular and routine collection efforts, and without regard to or consideration of the identity of rights of the Plaintiff.
26. By reason of the allegations in this petition, the Texas Debt Collection Practices Act and Fair Debt Collection Practices Act, Plaintiff is entitled to recover attorney's fees in a sum that is reasonable in relation to the amount of work expended for which Plaintiff sues herein. The attorney whose name is subscribed to this pleading has been employed to assist Plaintiff in the prosecution of this action.

**Prayer for Relief**

WHEREFORE, the Plaintiff prays that this Court:

1. Declare that Defendant's actions violate the FDCPA and TDCPA.
2. Enter judgment in favor of Plaintiff and against Defendant for statutory damages, actual damages, costs, and reasonable attorney fees as provided by 15 U.S.C. §1692k(a) and/or Tex. Fin. Code Ann. §392.403.
3. Grant such further relief as deemed just.

**TRIAL BY JURY IS DEMANDED.**

Respectfully submitted,



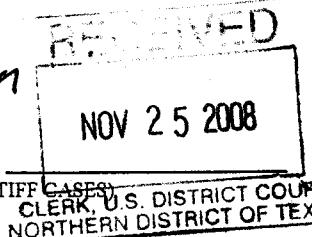
Sharon K. Campbell  
State Bar # 03717600  
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## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## (a) PLAINTIFFS

Bruce Danielson



## DEFENDANTS

FirstSource Advantage LLC

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Sharon K. Campbell  
Attorney at Law  
3100 Monticello Ave. Suite 500  
Dallas, Texas 75205

214 351 3260

Attorneys (If Known)

3-08 CV 2099-B

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff  
 3 Federal Question (U.S. Government Not a Party)  
 2 U.S. Government Defendant  
 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DE	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/>

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
J 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> B422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
J 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice	<input type="checkbox"/> B423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
J 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
J 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> B20 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc
J 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> B30 Patent	<input type="checkbox"/> 460 Deportation
J 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> B40 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
J 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 810 Selective Service
J 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage		<input type="checkbox"/> 850 Securities/Commodities Exchange
J 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury Product Liability		<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
J 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 891 Agricultural Acts
J 195 Contract Product Liability				<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 893 Environmental Matters
J 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> B61 HIA (1395ff)	<input type="checkbox"/> 894 Energy Allocation Act
J 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> B62 Black Lung (923)	<input type="checkbox"/> 895 Freedom of Information Act
J 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> B63 DIWC/DIWW (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equ. Access to Justice
J 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> B64 SSID Title XVI	<input type="checkbox"/> 950 Constitutionality of State Statutes
J 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> B65 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
J 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights	<b>FEDERAL TAX SUITS</b>	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> B70 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> B71 IRS—Third Party 26 USC 7609	

## V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or  5 Reopened

Transferred from another district

(specify)

 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Violation of Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMANDSCHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) (See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE

11-24-08

SIGNATURE OF ATTORNEY OF RECORD

Sharon Campbell

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFFP JUDGE MAG. JUDGE